

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

MIKE CAMPBELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 2:18-cv-4129-BCW
	)	
CHERI TOALSON REISCH, individually and in	)	
her official capacity as Representative of	)	
the 44th District of the Missouri House of	)	
Representatives,	)	
	)	
Defendant.	)	

**MOTION TO DISMISS BY  
DEFENDANT CHERI TOALSON REISCH**

Defendant Cheri Toalson Reisch moves the Court under Rule 12(b)(6) to dismiss Plaintiff Mike Campbell's Complaint with prejudice. As set forth more fully in the Suggestions in Support filed with this motion, Plaintiff fails to state a claim under 42 U.S.C. § 1983 because (1) Plaintiff has not been excluded from the interactive space associated with Ms. Reisch's tweets (the only plausible public forum alleged); (2) Plaintiff fails to allege facts showing that Ms. Reisch acted under color of state law when she blocked him on Twitter; (3) Ms. Reisch's Twitter account is not a public forum; and (4) creating a First Amendment right to access Ms. Reisch's Twitter account would undermine, not promote, speech interests by risking closure of her account.

Accordingly, Defendant Cheri Toalson Reisch respectfully requests that the Court dismiss Plaintiff's Complaint with prejudice, award her costs incurred in defending this lawsuit, and grant all other relief deemed just an appropriate.

**ORAL ARGUMENT REQUESTED.**

Dated: August 31, 2018.

Respectfully submitted,

/s/ Lowell D. Pearson

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2018, I filed the foregoing document via the Court's ECF system, which will cause a true and correct copy of the same to be served electronically on all ECF-registered counsel of record.

/s/ Lowell D. Pearson